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No. 9-0374586
Date 2/20/79
\$10.00

Washington, D. C.

February 20, 1979

Recordation Office
Interstate Commerce Commission
Twelfth and Constitution Avenue, N.W.
Washington, D.C. 20423

RECORDATION NO. 9416-3 Filed 1425

FEB 26 1979-3 15 PM
INTERSTATE COMMERCE COMMISSION

Attention: Mrs. Lee (Room 1227)

Dear Mrs. Lee:

We enclose for filing and stamping, one original and three conformed copies of the following:

1. Amendment No. 1 to Lease Agreement dated April 1, 1978

This document should be filed against Recordation Number 9416 of June 1, 1978 as document 9416-E.

We enclose our check for \$10.00 in payment of your fees and request that you return all extra copies of the document to us bearing your recording stamp.

If you have any questions, do not hesitate to contact the undersigned.

Yours truly,

Frank J. Hariton
Frank J. Hariton

FJH:ig
Enc.

FEE OPERATION BR.
I.C.C.

FEB 26 3 11 PM '79

RECEIVED

AMENDMENT NO. 1

TO

LEASE AGREEMENT

RECORDATION NO. 9416-A Filed 1425

FEB 26 1979-3 15 PM

Dated April 1, 1978 INTERSTATE COMMERCE COMMISSION

This Amendment No. 1 made and entered into the 5th day of January, 1979, by and between ATLANTIC & WESTERN FINANCIAL CORPORATION, a Delaware Corporation whose address is P. O. Box 1208, Sanford, North Carolina 27330 (hereinafter referred to as "Lessor"), and the HUTCHINSON AND NORTHERN RAILWAY COMPANY, a Kansas corporation, whose address is Hutchinson, Kansas, (hereinafter referred to as "Lessee"):

W I T N E S S E T H :

WHEREAS, Lessor and Lessee entered into a Lease Agreement dated the 1st day of April, 1978 (hereinafter referred to as the "Lease") which Lease was filed with the Interstate Commerce Commission on June 1, 1978 under Recordation Number 9416; and

WHEREAS, under an Agreement of Assignment dated the 26th day of May, 1978, between the Lessor and the MARINE MIDLAND BANK, a New York banking corporation, with offices at 140 Broadway, New York, New York 10015 (hereinafter referred to as "Marine"), which Agreement and Assignment was recorded with the Interstate Commerce Commission, on June 1, 1978 under Recordation Number 9416-A, Lessor assigned its rights under the Lease to Marine; and

WHEREAS, the Lease has been reassigned by Marine to Lessor; and

WHEREAS, one of the boxcars subject to the Lease has been destroyed, and

WHEREAS, the Lessor and Lessee are desirous of amending the Lease to reflect the destruction of such boxcars,

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants set forth in the Lease, the Lease is amended as follows:

1. EXHIBIT A is amended to read as follows:

EXHIBIT A

24, 50'6", 70 ton XF boxcars with 10' sliding doors

Interior equipment - none

Special lining - white epoxy paint

Permitted loading use - food products, non corrosives

Recording numbers and marks - HN 2000 - 2012

HN 2014 - 2024

2. Except as amended hereby, all of the terms of the

Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused
this Amendment to be executed on the day first above written.

ATLANTIC & WESTERN FINANCIAL CORPORATION

By: *W. B. Fayer*
Title: President

HUTCHINSON and NORTHERN RAILWAY COMPANY

By: *C. Norman Bowling*
Title:
President.

STATE OF NORTH CAROLINA)

: ss.:

COUNTY OF LEE)

On the 5th day of January, 1979, before me personally came W. B. Joyce, to me personally known, who being by me duly sworn, says that he is the President of the ATLANTIC & WESTERN FINANCIAL CORPORATION, that the seal affixed to the foregoing instrument is the seal of said Corporation, that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors; and he acknowledged that the execution of the foregoing instrument was the free act and deed of said Corporation.

my com. expires Dec 10, 1979

Pauline M Collins
Notary Public

STATE OF *California*)

: ss.:

COUNTY OF *Alameda*)

On the 5th day of January, 1979, before me personally came *C. N. Bowler, Jr.*, to me personally known, who being by me duly sworn, says that he is the *President* of the HUTCHINSON and NORTHERN RAILWAY COMPANY, that the seal affixed to the foregoing instrument is the seal of said Corporation, that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors; and he acknowledged that the execution of the foregoing instrument was the free act and deed of said Corporation.

Patricia A Dewey
Notary Public

